



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,919	03/23/2004	Roger Leyden	00831P0070US	3889
32116	7590	01/23/2006	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			SMITH, RICHARD A	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,919

Applicant(s)

LEYDEN ET AL.

Examiner

R. Alexander Smith

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. MPEP § 704.01 states *When an examiner is assigned to act on an application which has received one or more actions by some other examiner, full faith and credit should be given to the search and action of the previous examiner unless there is a clear error in the previous action or knowledge of other prior art. In general the second examiner should not take an entirely new approach to the application or attempt to reorient the point of view of the previous examiner, or make a new search in the mere hope of finding something. See MPEP § 719.05.*

After having fully considered the previous Office actions, the Applicant's responses, and the Office action mailed August 10, 2005 and the Applicant's arguments filed November 14, 2005, it appears to the examiner that in this case the application of Youdelman to claim 4 was in error, and that the product by process rejection of the method steps of forming the apparatus of claims 23, 24 and 27 were also improper. Given that the previous Office actions have not established a clear approach or a clear point of view for the current examiner to follow, a new non-final grounds of rejection follows.

Claim Objections

2. Claim 22 is objected to because of the following informalities:
 - a. "the second layer" lacks antecedent basis.

b. Although the limitations as claimed with respect to the reflective coating are mentioned in the brief description, there is no discussion in the detailed description or showing in the drawings of the reflective coating being applied to the second (primary) layer. The detailed specification does refer to the reflective coating itself as being a layer being applied on the layer having the design, if this is the applicant's intent as to first and second layers. The detailed specification generally addresses application of the reflective coating to the first layer and the design. Therefore, it is unclear as to what is meant in claim 22 with respect to "a reflective coating is applied to the second layer over the at least one..."

Furthermore although claim 22 is drawn to claim 1, claim 21 refers to the second primary layer in the specification as "a second layer." Therefore, this also makes it unclear as to what is meant in claim 22 with respect to "the second layer."

Clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 669,014 to Elborne in view of US D348992 to Dachille.

Elborne discloses an apparatus for gauging dimensions comprising:

- a) a wall having a generally flat front surface facing in a first direction and a peripheral edge, spaced graduations on the wall (e, f, g, h) relative to which a dimension of an object placed in front of the wall can be gauged, a surface on the wall which reflects an image (z) of an object (k) located in front of the wall, and at least one of i) a depiction of at least one of a) an animate object b) an inanimate object and c) a scene ii) at least one word iii) a design, and iv) a logo on the wall, in addition to the graduations (lines 79-83), and viewable from in front of the wall in conjunction with the spaced graduations and a reflective image from the surface on the wall;
- b) wherein the wall has a length extending in a vertical direction and a width and the graduations allow gauging of the height of an object located in front of the wall;
- c) wherein the length of the wall is substantially greater than the width of the wall;

Art Unit: 2859

d) wherein the apparatus has a front and rear with a thickness between the front and rear of the apparatus and an areal extent (wherever the advertisements are located on the mirror) and the apparatus has a substantially uniform thickness over substantially the entire areal extent of the apparatus (since the entire apparatus shows a consistent thickness in figure 2 over its entire length then the areal extent limitation is inherently met since it is a portion of the entire apparatus);

e) the wall having a height and a width and first and second sides in a widthwise direction;

f) the wall being rectangular and having four transverse edge portions.

Elborne does not disclose

wherein the wall is formed so that the shape of at least a portion of the peripheral edge is at least nominally matched in shape to a shape of at least a portion of the at least one of i) a depiction of at least one of a) an animate object b) an inanimate object and c) a scene ii) at least one word iii) a design and iv) a logo;

wherein a portion of the peripheral edge is non-straight;

wherein a first spaced side has a non-straight configuration over more than one-half the height of the wall at the first spaced side (either side can be considered the first spaced side);

wherein the wall has a nominally squared shape and one of the transverse edge portion has a first length and a running length substantially greater than the first length;

wherein the at least portion of the peripheral edge has adjacent contiguous portions which extend generally along first and second transverse lines, said lines defining an acute angle.

Dachille discloses an apparatus for gauging dimensions wherein the apparatus has spaced graduations, wherein the apparatus is formed so that the shape of at least a portion of the peripheral edge is in the form of an animate object, a design, and a clown, and wherein said perimeter at least nominally matches the depiction therein, i.e., the clown face, the hat, the bowtie, and the large button jacket or jumpsuit; wherein a portion of the peripheral edge is non-straight; wherein a first spaced side has a non-straight configuration over more than one-half the height of the wall at the first spaced side (either side can be considered the first spaced side), wherein one of the transverse edge portion has a first length and a running length substantially greater than the first length, wherein the at least portion of the peripheral edge has adjacent contiguous portions which extend generally along first and second transverse lines, said lines defining an acute angle (where the shoulders meet the face or where the edge of the hair meets the edge of the hat).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus, taught by Elborne, to include a peripheral edge shaped to match the depiction therein, to have the non-straight edge and this edge being over more than half the height, to have the running length greater than first length, and to have the acute angle, as taught by Dachille, in order to make the height gauging apparatus more appealing to children and adults; or more generically, to make the advertisements, instructions, etc., taught by Elborne, more distinct and noticeable, as suggested by Dachille, to a user or purchaser.

With respect to the wall having a nominally squared shape: Elborne discloses a narrow rectangular apparatus designed as a profile or portrait type device wherein indicia in the form of instructions and ads may be added and wherein framing may be added. Dachille discloses an apparatus designed to also include the base from which measurements are to be taken. Therefore, the wall being a nominally squared shape is only considered to be an obvious modification of a wall because the courts have held that a change in shape or configuration, without any criticality, is within the level of skill in the art as the particular shape claimed by Applicant is nothing more than one of numerous shapes that a person having ordinary skill in the art will find obvious to provide. In re Dailey, 149 USPQ 47 (CCPA 1976). In this case to provide a profile or portrait type wall which includes accommodations for additional information or advertisements thereon at eye height.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elborne and Dachille as applied to claims 1-3 and 15-19 above, and further in view of US 4,851,061 to Sorkoram.

Elborne and Dachille together teach all that is claimed as discussed in the above rejections of claims 1-3 and 15-19 except for the portion of the peripheral edge being formed through laser cutting.

Sorkoram '061 discloses a method and apparatus wherein mirrors (column 1, lines 35-43) can be formed from thermoplastic materials and lasers can be used to cut said thermoplastic

materials and leave edges that solidify to present a precise polished surface quickly versus rough unpolished edges and a time consuming process (column 1, lines 55-57 versus lines 15-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the apparatus for gauging, taught by Elborne, of thermoplastics and to form the edge via laser cutting, as taught by Sorkoram '061, in order to provide a quick computer controlled laser cut and to obtain precise polished edges.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elborne and Dachille as applied to claims 1-3 and 15-19 above, and further in view of US 2,369,988 to Steckler.

Elborne and Dachille together teach all that is claimed as discussed in the above rejections of claims 1-3 and 15-19 except for at least one opening through the wall capable of receiving a fastening to facilitate mounting.

Steckler discloses an apparatus for gauging a dimension wherein the apparatus includes an opening (14) through the wall to facilitate mounting. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus, taught by Elborne, to include at least one opening, as taught by Steckler, in order to help the installer in mounting the apparatus to a wall.

Art Unit: 2859

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elborne and Dachille as applied to claims 1-3 and 15-19 above, and further in view of US 5,128,194 to Sorko-Ram.

Elborne and Dachille together teach all that is claimed as discussed in the above rejections of claims 1-3 and 15-19 except for a reflective coating being applied to the second layer over the at least of i) a depiction to allow an image of an object located in front of the wall to be viewable through the first layer.

Sorko-Ram discloses a decorative mirror apparatus wherein a depiction (22) is applied to the rear of the first layer (12), wherein a reflective coating (28) is applied to the back of the depiction and the first layer; and then wherein a second layer (36) and the reflective coating are joined together using fasteners or adhesive. This joining of the second layer and the reflective coating meets the limitations of "a reflective coating being applied to the second layer over the at least one of i) a depiction to allow an image of an object located in front of the wall to be viewable through the first layer" as claimed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the apparatus, taught by Elborne, to have the reflective coating applied to the rear of the first layer and to have the reflective coating applied to the second layer, as taught by Sorko-Ram, in order to sandwich the design and the reflective coating for protection from the environment and to provide a backing for strengthening and supporting the apparatus.

Art Unit: 2859

8. Claims 4-7, 10-13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 669,014 to Elborne in view of US D348992 to Dachille and US 5,128,194 to Sorko-Ram.

Elborne discloses an apparatus for gauging dimensions comprising:

a) a wall having a generally flat front surface facing in a first direction and a peripheral edge, spaced graduations on the wall (e, f, g, h) relative to which a dimension of an object placed in front of the wall can be gauged, a surface on the wall which reflects an image (z) of an object (k) located in front of the wall, and at least one of i) a depiction of at least one of a) an animate object b) an inanimate object and c) a scene ii) at least one word iii) a design, and iv) a logo on the wall (lines 79-83), and viewable from in front of the wall in conjunction with the spaced graduations and a reflective image from the surface on the wall, the wall comprising a first layer having a front and rear,

b) the wall comprising a first layer defining a flat front surface, and

c) the method steps of providing a wall comprising a first layer with a front and a rear, providing at least one of i) a depiction... ..on the wall, and providing graduations on the first layer.

Elborne does not disclose

wherein the wall is formed so that the shape of at least a portion of the peripheral edge is at least nominally matched in shape to a shape of at least a portion of the at least one of i) a depiction of at least one of a) an animate object b) an inanimate object and c) a scene ii) at least one word iii) a design and iv) a logo;

Art Unit: 2859

the at least one of i) a depiction... ..is applied to the rear of the first layer and viewable through the first layer at the front,

the first layer comprises a clear plastic material,

the first layer having a thickness between the front and rear in the range of 0.04-0.12 inches,

the rear of the first layer being coated with a first material that is viewable through the first layer and reflects an image of an object located in front of the first layer,

the wall comprising a second layer applied to the rear of the first layer so that the first material and the at least one of i) a depiction... ..resides between the layers,

the second layer having a front and rear and a thickness in the range of 0.04-0.12 inches,

the second layer being of high impact polystyrene,

the second layer being secured to the first layer through a pressure sensitive adhesive,

the wall comprising a second layer wherein the at least one of i) a depiction... ..located between the first and second layers so as to be viewable from in front of the wall through the first layer,

and the method steps of forming at least one of i) a depiction... .. viewable through the first layer, coating the rear of the first layer with a first material that is capable of reflection and that is viewable through the first layer, the step of applying the second layer to the first layer by bonding through a pressure sensitive adhesive, the step of coating the rear comprises coating the rear with at least one of ii) a depiction... .. in addition to the graduations.

Dachille discloses an apparatus for gauging dimensions wherein the apparatus has spaced graduations, wherein the apparatus is formed so that the shape of at least a portion of the peripheral edge is in the form of an animate object, a design, and a clown, and wherein said perimeter at least nominally matches the depiction therein, i.e., the clown face, the hat, the bowtie, and the large button jacket or jumpsuit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus and method, taught by Elborne, to include a peripheral edge shaped to match the depiction therein, as taught by Dachille, in order to make the height gauging apparatus more appealing to children and adults; or more generically, to make the advertisements, instructions, etc., taught by Elborne, more distinct and noticeable, as suggested by Dachille, to a user or purchaser.

Sorko-Ram discloses a decorative mirror apparatus wherein a depiction (22) is applied to the rear of the first layer (12) and is viewable through the first layer, the first layer comprises a clear plastic material (column 1, lines 45-50) or glass (column 2, lines 3-6), the rear of the first layer being coated with a first material (28) that is viewable through the first layer and reflects an image of an object located in front of the first layer, the wall comprising a second layer (36) applied to the rear of the first layer so that the first material and the at least one of i) a depiction... ..resides between the layers, the second layer being secured to the first layer through a suitable adhesive (column 2, lines 66-68), the wall comprising a second layer (36) wherein the at least one of i) a depiction... ..located between the first and second layers so as to be viewable from in front of the wall through the first layer, and the method step of coating the rear through opaque

inks, silk screening, colored layering, etc. (column 1, lines 50-56). Furthermore, Sorko-Ram discloses that the first layer can be applied through vapor deposition.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus and method, taught by Elborne, to have the depiction and reflective coating applied to the rear of the first layer and between the layers, to make the first layer of clear plastic material, to apply a second layer to the rear of the first layer, to secured the layers through an adhesive, as taught by Sorko-Ram, in order to sandwich the design and the reflective coating for protection from the environment, to make the first layer less susceptible to breakage, to lighten the weight of the apparatus, and to provide a backing for strengthening and supporting the apparatus.

With respect to the the first layer having a thickness between the front and rear in the range of 0.04-0.12 inches, and the second layer having a front and rear and a thickness in the range of 0.04-0.12 inches: These limitations are only considered to be the "optimum" values of the thicknesses of the first and second layers disclosed by Elborne as modified by Sorko-Ram, as stated above, that a person having ordinary skill in the art would have been able to determine using routine experimentation based, among other things, on provided enough thickness to provide the necessary strength, resistance to breakage, and support for the apparatus while keeping the weight and the costs down. See In re Boesch, 205 USPQ 215 (CCPA 1980).

With respect to the second layer being of high impact polystyrene and the adhesive being a pressure sensitive adhesive: These materials are only considered to be the use of "optimum" or

"preferred" materials that a person having ordinary skill in the art at the time the invention was made using routine experimentation would have found obvious to provide to make the second layer and the adhesive disclosed by Elborne as modified by Sorko-Ram since they are well known types of materials used to make signs and for adhering components together and since it has been held to be a matter of obvious design choice and within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use of the invention. In re Leshen, 125 USPQ 416. In this case to provide a support that is weather resistant, lightweight, and break resistant and to provide an adhesive suitable to join the layers together.

9. Claim 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elborne, Dachille and Sorko-Ram as applied to claims 4-7, 10-13 and 21 above, and further in view of US 5,702,649 to Taylor.

Elborne, Dachille and Sorko-Ram together teach all that is claimed as discussed in the above rejections of claims 4-7, 10-13 and 21 except for the first material being aluminum and the metal material being applied in a vacuum chamber.

Taylor discloses that metal material such as aluminum can be vapor deposited onto plastic surfaces to form a thin reflective layer when the metal material is placed on a heating coil in a vacuum chamber (abstract and column 4, lines 22-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to augment the apparatus,

taught by Elborne and Sorko-Ram, to include a metal, aluminum, applied in a vacuum chamber, as taught by Taylor, in order to apply a cheap commonly used material for the reflective surface and to provide means for applying a thin uniform coating.

10. Claim 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elborne, Dachille and Sorko-Ram as applied to claims 4-7, 10-13 and 21 above, and further in view of US 2,145,732 to Nickle.

Elborne, Dachille and Sorko-Ram together teach all that is claimed as discussed in the above rejections of claims 4-7, 10-13 and 21 except for the first material being aluminum and the metal material being applied in a vacuum chamber.

Nickle discloses that metal material such as aluminum can be vapor deposited onto surfaces to form a thin reflective layer when the metal material is placed on a heating coil in a vacuum chamber (lines 12-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to augment the apparatus, taught by Elborne and Sorko-Ram, to include a metal, aluminum, applied in a vacuum chamber, as taught by Nickle, in order to apply a cheap commonly used material for the reflective surface and to provide means for applying a thin uniform coating.

11. Claims 23-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elborne, Dachille and Sorko-Ram as applied to claims 4-7, 10-13 and 21 above, and further in view of US 4,851,061 to Sorkoram.

Elborne, Dachille and Sorko-Ram together teach all that is claimed as discussed in the above rejections of claims 4-7, 10-13 and 21 except for the method of cutting the first layer to define the peripheral edge, the method of simultaneously cutting and laser cutting the first and second layers.

Sorkoram '061 discloses a method and apparatus wherein mirrors (column 1, lines 35-43) can be formed from thermoplastic materials and lasers can be used to cut said thermoplastic materials and leave edges that solidify to present a precise polished surface quickly versus rough unpolished edges and a time consuming process (column 1, lines 55-57 versus lines 15-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method having the first and second layers, taught by Elborne, Dachille and Sorko-Ram, by using laser cutting to define the peripheral edge and to simultaneously laser cut the first and second layers, as suggested by Sorkoram '061, in order to provide a quick computer controlled laser cut and to obtain precise polished edges.

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elborne, Dachille, Sorko-Ram and Sorkoram '061 as applied to claims 23-25, 27 and 28 above, and further in view of US 5,702,649 to Taylor.

Elborne, Dachille, Sorko-Ram and Sorkoram '061 together teach all that is claimed as discussed in the above rejections of claims 23-25, 27 and 28 except for the step of coating the rear of the first layer comprises vacuum coating with a first material that comprises metal.

Taylor discloses that metal material such as aluminum can be vapor deposited onto plastic surfaces to form a thin reflective layer when the metal material is placed on a heating coil in a vacuum chamber (abstract and column 4, lines 22-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to augment the apparatus and method, taught by Elborne as modified by Sorko-Ram, to include the step of vacuum coating a first material, such as a metal applied in a vacuum chamber, as taught by Taylor, in order to apply a thin uniform coating of a cheap commonly used material for the reflective surface.

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elborne, Dachille, Sorko-Ram and Sorkoram '061 as applied to claims 23-25, 27 and 28 above, and further in view of US 2,145,732 to Nickle.

Elborne, Dachille, Sorko-Ram and Sorkoram '061 together teach all that is claimed as discussed in the above rejections of claims 23-25, 27 and 28 except for the step of coating the rear of the first layer comprises vacuum coating with a first material that comprises metal.

Taylor discloses that metal material such as aluminum can be vapor deposited onto surfaces to form a thin reflective layer when the metal material is placed on a heating coil in a vacuum chamber (abstract and column 4, lines 22-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to augment the apparatus and method,

taught by Elborne as modified by Sorko-Ram, to include the step of vacuum coating a first material, such as a metal applied in a vacuum chamber, as taught by Taylor, in order to apply a thin uniform coating of a cheap commonly used material for the reflective surface.

Response to Arguments

14. Applicant's arguments filed November 14, 2005 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related apparatus and methods: Included are:

Measuring gauges which measure height.

Measuring gauges that have non-linear perimeters.

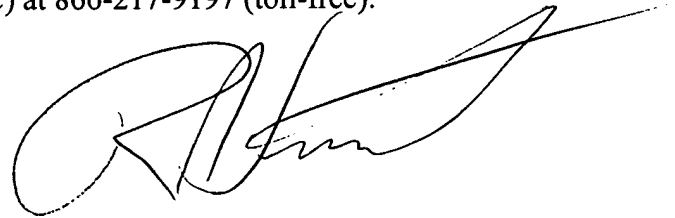
Mirror construction and methods involving cutting plastic and glass mirrors.

Vacuum chambers utilizing vapor deposition or sputtering for applying mirror coatings.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. Alexander Smith', with a large, stylized initial 'R' and a long, sweeping horizontal stroke extending to the right.

R. Alexander Smith
Primary Examiner
Technology Center 2800

RAS
January 20, 2006